

11

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

July 14, 2006

Board of Land and Natural Resource
State of Hawaii
Honolulu, Hawaii

PSF#06OD-108

Oahu

Consent to Assign Revetment Easement bearing General Lease No. S-5341, Thomas William Coulson, Patricia Marie Coulson, Tracy Minard Patrick, III, and Cathy Ann Patrick, Assignor, to Linda Renaud, Assignee, Pupukea, Koolauloa, Oahu, Tax Map Key: (1) 5-9-020:48 Seaward.

APPLICANTS:

Thomas William Coulson, Patricia Marie Coulson, Tracy Minard Patrick, III, and Cathy Ann Patrick, as Assignor, to Linda Renaud, unmarried, tenant in severalty, whose business and mailing address is 212 Entrada Drive, Santa Monica, California 90402, as Assignee.

LEGAL REFERENCE:

Section 171-36(a)(5), Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Pupukea situated at Pupukea-Paumalu Beach Lots, Koolauloa, Oahu, identified by tax map key: (1) 5-9-20:48 seaward, as shown on the attached map labeled Exhibit A.

AREA:

2,940 square feet, more or less.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution:

YES ____ NO X

CHARACTER OF USE:

Right, privilege, and authority to use, repair, construct, and maintain an existing revetment.

TERM OF LEASE:

65 years, commencing on October 16, 1992 and expiring on October 15, 2057.

ANNUAL RENTAL:

Not Applicable.

CONSIDERATION:

\$ 10.00

RECOMMENDED PREMIUM:

Not applicable as the lease does not allow for a premium.

DCCA VERIFICATION:

Not required for individuals.

REMARKS:

The purpose of this request for consent to assignment is to include the easement for the existing revetment in the sale of the abutting private property between the above-referenced Assignor and Assignee.

The revetment easement is the result of a court consent decree and order in Paumalu Beach Homeowners' Association, et al. v. William Paty, in his individual capacity, et al., Civil No. 92-00663 ACK, entered the 16th day of October, 1992, by the United States District Court for the District of Hawaii. The Court ordered a sixty-five (65) year non-exclusive easement and the shoreline certification, which was valid for a one-year period from the effective date of the Consent Decree and Order. A one-time payment for the easement of \$17,640 was paid to the State by the previous landowner, the "Don Over Revocable Trust".

The adjacent property was previously purchased from the "Don Over Revocable Trust" by the Assignor, together with the subject easement, which was assigned with the Land Board's consent. The Assignor has recently negotiated the sale of the adjacent property to the Assignee and is requesting the Land Board's consent to assign the subject easement.

The easement conditions are in compliance and there have not been any defaults of the conditions in the past two years.

The Assignee has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

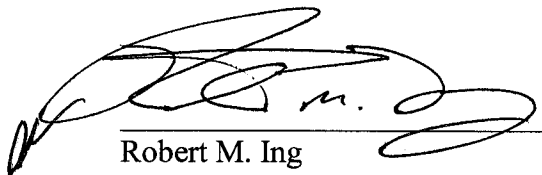
No agency or community groups were solicited for comments.

RECOMMENDATION:

That the Board consent to the assignment of General Lease No. S-5341 from Thomas William Coulson, Patricia Marie Coulson, Tracy Minard Patrick, III, and Cathy Ann Patrick, as Assignor, to Linda Renaud, as Assignee, subject to the following:

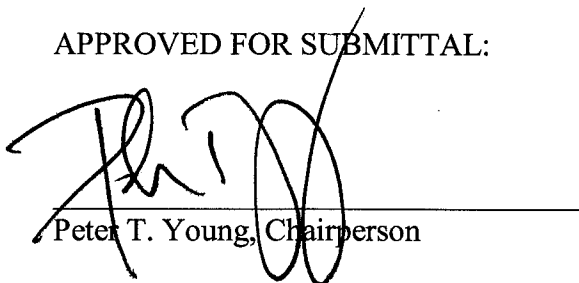
1. The standard terms and conditions of the most current consent to assignment form, as may be amended from time to time;
2. Review and approval by the Department of the Attorney General; and
3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

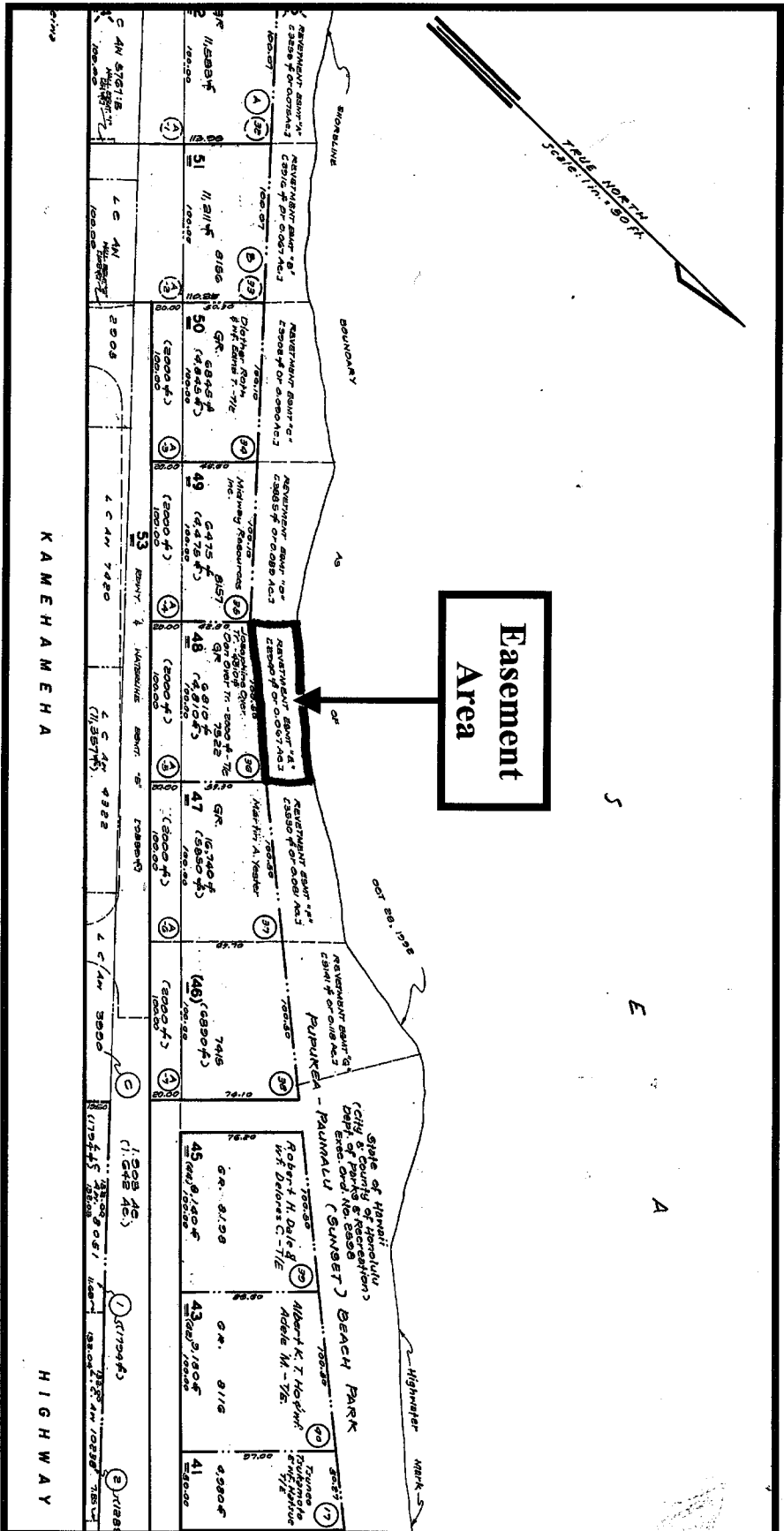


Robert M. Ing
Land Agent

APPROVED FOR SUBMITTAL:


Peter T. Young, Chairperson

**Easement
Area**



**Consent to Assign GL S-5341 (Retirement Easement)
TMK: (1) 5-9-20:48 Seaward**